

106TH CONGRESS  
1ST SESSION

# H. R. 1773

To amend title I of the Employee Retirement Income Security Act of 1974 to provide that any participant or beneficiary under an employee benefit plan shall be entitled to de novo review in court of benefit determinations under such plan.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1999

Mr. FILNER (for himself and Mrs. EMERSON) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to provide that any participant or beneficiary under an employee benefit plan shall be entitled to de novo review in court of benefit determinations under such plan.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Access to Disability  
5 Insurance Act of 1999”.

1 **SEC. 2. DE NOVO REVIEW OF BENEFIT DETERMINATIONS.**

2 Section 502(e) of the Employee Retirement Income  
3 Security Act of 1974 (29 U.S.C. 1132(e)) is amended by  
4 adding at the end the following new paragraph:

5 “(3) Notwithstanding any provision by the plan for  
6 the exercise by a fiduciary of discretionary authority with  
7 respect to any benefit determination, any benefit deter-  
8 mination under the plan shall be subject to de novo review  
9 by the court.”.

10 **SEC. 3. EFFECTIVE DATE.**

11 The amendment made by section 2 of this Act shall  
12 apply with respect to causes of action arising after the  
13 date of the enactment of this Act.

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